

## AMENDMENTS TO THE DRAWINGS

Please amend Figures 2, 4, 6 and 7B as provided in the Replacement Sheets provided herewith.

No new matter has been added.

In summary, Applicant employs reference numerals 12 and 20 to denote cavities, reference numerals 12' and 20' to denote, respectively, associated protuberances, and reference numeral 13 to avoid double usage of reference numeral 12'. No new matter has been added as antecedent support can be found in the application as originally filed. For example, at paragraph [0037], lines 6-7, Applicant describes each protuberance forming a cavity on the outer side of a ply. Applicant has also changed reference symbol "N<sub>1</sub>" in Figure 2 to "N<sub>A</sub>" for consistency with the specification, and has changed reference symbol "D" in Figure 4 to "D<sub>A</sub>" for consistency with the specification.

## REMARKS / ARGUMENTS

### Status of Claims

Claims 1-12 are pending in the application and stand rejected. Applicant has amended Claim 1, leaving Claims 1-12 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, first paragraph, 35 U.S.C. §112, second paragraph, 35 U.S.C. §102(b), and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### Regarding Examiner's Note

The Examiner comments that the substitute specification filed 10/28/2009 has not been entered because a statement as to a lack of new matter under 37 CFR 1.125(b) is missing.

Notwithstanding Applicant's earlier comment under the "Remarks/Arguments" section that no new matter had been added, Applicant herewith provides the requisite statement under the "Amendments to the Specification" section that the substitute specification includes no new matter, and respectfully requests entry thereof.

Regarding the substitute specification: Applicant includes section headings; In paragraph [0002], line 7, Applicant includes the word "cylinder", which finds support in originally filed Figure 4; In paragraph [0023], Applicant changes "II-II" to "2-2", which is consistent with originally filed Figure 1; In paragraph [0037], Applicant employs reference numeral (12') in relation to the first protuberances (a corresponding drawing amendment was previously provided), and reference number (12) in relation to the cavity, which merely clarifies the description in paragraph [0037]; In paragraph [0038], Applicant includes missing reference numerals 18, which is consistent with the originally filed application; In paragraph [0041], Applicant utilizes reference numeral (20') to distinguish third protuberances (20') from third cavities (20), which is consistent with

Figure 2 (a corresponding drawing amendment was previously provided); In paragraph [0055], Applicant corrects a typographical error that should have referenced Figure 6; and, In paragraph [0055], Applicant utilizes reference numeral (13) to eliminate the double usage of a reference numeral (a corresponding drawing amendment was previously provided herewith).

From the foregoing, it will be appreciated that the substitute specification includes no new matter, as it merely corrects for minor typographical errors, and provides the requested section headings.

### **Specification Objections**

The specification is objected to because the statement as to a lack of new matter is missing. Applicant provides herewith the requisite statement, and therefore respectfully requests reconsideration and withdrawal of this objection.

### **Drawing Objections**

The drawings are objected to for reasons relating to reference symbols “N<sub>A</sub>” and “D<sub>A</sub>”, and reference numeral “20”. Applicant has amended the specification and drawings as set forth herein to correct for these inconsistencies. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections, which Applicant considers to be overcome. No new matter has been added.

### **Rejections Under 35 U.S.C. §112, First Paragraph, and Second Paragraph**

Claims 1-12 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, and as being indefinite.

More specifically, the Examiner comments that the term “associated” is not supported by the specification and is indefinite, but support and definiteness is found in the specification for the term “adjacent” if used in place of the term “associated”.

Applicant herewith amends the claims to use the term “adjacent” in place of the term “associated”. Accordingly, respectfully requests reconsideration and withdrawal of

all rejections under 35 U.S.C. §112, first paragraph, and under 35 U.S.C. §112, second paragraph.

**Rejections Under 35 U.S.C. §102(b)**

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Graff et al. (WO Publication No. 03/050353, hereinafter Graff). Examiner notes that the referenced portions of the prior art will be taken from Graff et al. (U.S. Publication No. 2005/0034828A1, hereinafter Graff), which is an English language equivalent to the 353' publication.

Applicant overcomes this rejection for the following reasons.

Applicant respectfully submits that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference*." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the \*\*\* claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985). "Anticipation of a patent claim requires a finding that the claim at issue 'reads on' a prior art reference." *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1346 (Fed. Cir. 1999) (quoting *Titanium Metals Corp. of Am. V. Banner*, 778 F.2d 775, 781 (Fed. Cir. 1985)).

Applicant has amended Claim 1 to now recite, inter alia,

"...the first zones (A<sub>1</sub>) being in relief on the outer side in relation to the adjacent second zones (A<sub>2</sub>) with a level difference (N<sub>A</sub>), each first zone (A<sub>1</sub>) being delimited by a continuous contour (D) formed by a marking line disposed between the respective first

zone (A<sub>1</sub>) and the adjacent second zone (A<sub>2</sub>), the continuous contour (D) completely surrounding the respective first zone (A<sub>1</sub>).”

No new matter has been added by these amendments as antecedent support may be found in the specification as originally filed, such as in Figure 1 for example, which clearly illustrates the continuous contour (D) completely surround the respective first zone (A<sub>1</sub>) relative to the adjacent second zone (A<sub>2</sub>).

Dependent claims inherit all of the limitations of the respective parent claim.

In alleging anticipation, the Examiner alleges that “figure 2 of the references teaches that the first zones (16) are in relief to the second zones (36) with a level difference of H1-H2 and that the first and second zones are delimited from each other by a difference in elevation, which constitutes a continuous contour between said zones as currently claimed, while figure 1 of the reference teaches that the first zones 916) are surrounded (first zones forming cells) by the second zones (36) as presently claimed.” Paper No. 20091224, page 7.

Applicant respectfully disagrees.

First, the Examiner appears to be relying on a “teaching” of Graff rather than a full disclosure in Graff, which is impermissible for a rejection under 35 U.S.C. §102.

Second, Applicant submits that the claim limitation directed to “delimited by a continuous contour” cannot be taken out of context and equated to groups of second zones (Graff element 36) to “constitute” a continuous contour, as alleged by the Examiner.

In the claimed invention, Applicant specifically claims a first zone and an adjacent second zone, where the first zone is bounded (delimited) by a continuous contour formed by a marking line disposed between the respective first zone and the adjacent second zone, where the continuous contour completely surrounds the respective first zone.

Contrary to the claimed invention, Applicant finds Graff to disclose a first zone (16) and four second zones (36) placed at 90-degree intervals around the first zone (16) (see Graff, Figure 1). As such, Graff does not disclose a single second zone adjacent to

the first zone in such a manner as to form a continuous contour that delimits the first zone.

Accordingly, Applicant submits that Graff does not disclose all of the claimed elements arranged as in the claim, and absent anticipatory disclosure in Graff of each and every element of the claimed invention arranged as in the claim, Graff cannot be anticipatory.

Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) has been overcome, and requests reconsideration and withdrawal of this rejection.

**Rejections Under 35 U.S.C. §103(a)**

Claims 10-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Graff in view of Roussel et al. (U.S. Patent No. 6,524,683 B1, hereinafter Roussel).

Applicant overcomes these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

In view of Roussel not being applied against independent Claim 1, and in view of Applicant's remarks set forth herein regarding the deficiency of Graff to disclose each and every element of the claimed invention, Applicant submits that the combination of Graff in view of Roussel fails to establish a prima facie case of obviousness as Roussel fails to cure the deficiencies of Graff.

Dependent claims inherit all of the limitations of the base claim and any intervening claim.

Furthermore, Applicant submits that any modification of Graff (the primary

reference being modified) to arrive at the claimed invention would require substantial disassembly and redesign of Graff, as Graff does not disclose or teach the second zone working in conjunction with the first zone to form a delimiting continuous contour that completely surrounds the first zone, and to arrive at such would require substantial disassembly and redesign of Graff. Such substantial disassembly and redesign of a prior art being modified falls wholly short of teaching, suggesting or motivating one skilled in the art to arrive at the claimed invention without using the claimed invention as a road map, which in and of itself is an impermissible use of hindsight.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not require substantial disassembly and redesign of the prior art being modified, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be overcome.

In light of the forgoing, Applicant respectfully submits that the rejections under 35 U.S.C. §112, first paragraph, 35 U.S.C. §112, second paragraph, 35 U.S.C. §102(b), and 35 U.S.C. §103(a), have been overcome, and respectfully requests reconsideration and withdrawal of these rejections.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any remaining issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP

Applicant's Attorneys

By: /David Arnold/  
David Arnold  
Registration No: 48,894  
Customer No. 31743

Address: 20 Church Street, 22<sup>nd</sup> Floor, Hartford, CT 06103  
Telephone: (860) 286-2929  
Fax: (860) 286-0115